

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

THE MAHER LAW FIRM, P.A.,

Plaintiff,

v.

Case No. 6:19-cv-407-Orl-37EJK

DANIEL J. NEWLIN, P.A.,

Defendant.

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**ORDER**

Plaintiff sued Defendant for declaratory relief, arguing Plaintiff's Google Ads did not infringe on Defendant's intellectual property rights. (Doc. 6.) The parties now seek approval and entry of a proposed consent decree. (Doc. 35; Doc. 35-3 ("**Proposed Decree**").)

A consent decree, although predicated on the agreement of the parties, is a judgment that requires a court to determine whether the settlement is "fair, adequate[,] and reasonable." *United States v. City of Miami*, 664 F.2d 435, 439, 441 (5th Cir. 1981) (en banc) (citation omitted).<sup>1</sup> "Though the decision to approve or reject a consent decree is left to a district court's discretion, . . . the court must exercise its judgment deferentially." *United States v. Bay Area Battery*, 895 F. Supp. 1524, 1528 (N.D. Fla. 1995) (citation omitted).

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<sup>1</sup> Although *City of Miami* was decided after September 30, 1981, it is "binding precedent for the Eleventh circuit because it was decided by the full en banc court of the former Fifth Circuit." *Stovall v. City of Cocoa, Fla.*, 117 F.3d 1238, 1243 n.4 (11th Cir. 1997) (citing *Stein v. Reynolds Sec., Inc.*, 667 F.2d 33, 34 (11th Cir. 1982)).

Under the Proposed Decree, the parties agree Plaintiff's purchase through Google Ads of specified generic terms (Doc. 6-5), and the content of Plaintiff's internet advertisement (Doc. 35-3, p. 5), both copied below, do not infringe on Defendant's intellectual property rights. (Doc. 35-3, ¶ 1.)

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vehicle crash attorney  
accident and injury  
injury & accident lawyers  
bodily injury claim  
top rated accident attorney  
personal injury car accident attorney  
personal accident lawyer  
accident lawyers in my area  
car crash settlement  
auto claim lawyer  
motor vehicle attorney  
lawyer car accident settlement  
good accident attorney  
accident lawsuit  
automobile accident lawyer near me  
auto attorney near me  
accident injury lawyers near me  
motor accident lawyers  
i was in a car accident  
bodily injury lawyer  
car crash lawsuit  
auto accident personal injury  
vehicle accident law firm  
car crash claim  
personal injury claims car accident  
accident injury attorneys near me  
auto accident litigation  
auto lawyers near me

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The parties agree Plaintiff is entitled to costs under Federal Rule of Civil Procedure 54(d)(1), in an amount agreed upon between the parties, and each party will bear their own attorneys' fees. (Doc. 35-3, ¶ 2.) The parties request the Court close the case and retain jurisdiction to enforce the consent decree. (Doc. 35-3.) On review, the Court finds the Proposed Decree is fair, adequate, and reasonable but the Court declines to retain jurisdiction. *See City of Miami*, 664 F.2d at 439, 441. So, the Court will grant the Motion in part, and approve and enter the Proposed Decree.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. The parties Joint Stipulation and Request for Final Judgment Upon Consent (Doc. 35) is **GRANTED IN PART**.
  - a. The Court **APPROVES AND ADOPTS** the Proposed Decree (Doc. 35-3) as an Order of the Court but **DECLINES** to retain jurisdiction.
2. The Clerk is **DIRECTED** to close the case.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on January 27, 2020.



  
ROY B. DALTON JR.  
United States District Judge

Copies to:  
Counsel of Record